

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
US DISTRICT COURT
DISTRICT OF NEBRASKA

APR 17 2017

OFFICE OF THE CLERK

INDERJEET BASRA, individually and as
Personal Representative for the ESTATE OF
ATINDERPAL SINGH; DILSHAAN S.
REHAL, by and through his next friend,
INDERJEET BASRA,

Plaintiffs,

v.

ECKLUND LOGISTICS, INC.

Defendant.

Case No.: 8:16CV83-LSC-FG3

**ORDER ON FINAL PRETRIAL
CONFERENCE**

A final pretrial conference was held on the 17th day of April, 2017.

Appearing for the parties as counsel were:

Justin R. Kaufman and Stephen J. Kelly (Robins Cloud LLP) and James Welsh (Welsh & Welsh P.C.) for the Plaintiffs.

Dan H. Ketcham (Engles, Ketcham, Olson & Keith, P.C.) for the Defendant.

(A) Exhibits. See Plaintiffs' Exhibit List attached as **Exhibit A¹** and Defendant's Exhibit List attached as **Exhibit B**.

Caution: Upon express approval of the judge holding the pretrial conference for good cause shown, the parties may be authorized to defer listing of exhibits or objections until a later date to be specified by the judge holding the pretrial conference. The mere listing of an exhibit on an exhibit list by a party does not mean it can be offered into evidence by the adverse party without all necessary evidentiary prerequisites being met.

(B) Uncontroverted Facts. The parties have agreed that the following may be accepted as established facts for purposes of this case only:

¹ Defendant intends to supplement this exhibit with its objections to Plaintiff's Amended Exhibit Lists on or before the date of the pre-trial conference.

1. The motor vehicle collision that forms the basis for Plaintiffs' complaint occurred on August 8, 2012 on Interstate 80 in York, Nebraska.
2. At the time of the motor vehicle collision on August 8, 2012, Plaintiff Inderjeet Basra was the legal spouse (wife) of decedent Atinderpal Singh.
3. At the time of the motor vehicle collision on August 8, 2012, Plaintiff Gavan S. Rehal was the legal issue (son) of decedent Atinderpal Singh.
4. At all relevant times, Freddie Galloway, the driver of the Ecklund tractor-trailer at the time of the collision, was an employee of Ecklund Logistics, Inc. and was working in the course and scope of his employment with Defendant Ecklund Logistics, Inc.
5. On August 8, 2012, just before 4:30 p.m., Freddie Galloway was driving an Ecklund tractor-trailer eastbound on Interstate 80. At the same time, Plaintiffs' decedent Atinderpal Singh was also driving a tractor-trailer eastbound on Interstate 80 behind the Ecklund tractor-trailer driven by Freddie Galloway
6. On August 8, 2012, at approximately 4:30 p.m., the front of Plaintiffs' decedent, Atinderpal Singh's, tractor-trailer collided with the Ecklund tractor-trailer being driven by Freddie Galloway.
7. Atinderpal Singh died as a result of the injuries he suffered on August 8, 2012.

(C) Controverted and Unresolved Issues. The issues remaining to be determined and unresolved matters for the court's attention are:

All claims which are generally controverted:

Plaintiffs' Claims:

- 1) CLAIM ONE: Negligence – Respondeat Superior against Ecklund Logistics, Inc.
 - a. That Freddie Galloway, a truck driver, had a duty of care to Atinderpal Singh in the operation of his vehicle;
 - b. That Freddie Galloway breached such duty of care to Atinderpal Singh;
 - c. That Freddie Galloway's breach of such duty care was a proximate cause of Atinderpal Singh's death; and
 - d. That Plaintiffs were damaged thereby.
- 2) CLAIM TWO: Negligence against Ecklund Logistics, Inc.
 - a. That Defendant Ecklund Logistics, Inc. had a duty of care to Atinderpal

- Singh in the hiring, training, monitoring and supervision of its agents and employees, including Freddie Galloway;
- b. That Defendant Ecklund Logistics, Inc. breached such its duty of care in its hiring, training, monitoring and supervision of Freddie Galloway;
 - c. That Defendant Ecklund Logistics, Inc.'s breach of its duty of care was a proximate cause of Atinderpal Singh's death; and
 - d. That Plaintiffs were damaged thereby.
- 3) CLAIM THREE: Loss of Consortium against Ecklund Logistics, Inc.
- a. Atinderpal Singh was harmed by the acts and/or omissions of Freddie Galloway and Ecklund Logistics, Inc.;
 - b. That the death of decedent Atinderpal Singh proximately caused loss of consortium to Plaintiffs.
- 4) CLAIM FOUR: Punitive Damages under Wis. Stat. Ann. § 895.043 against Defendant Ecklund Logistics, Inc.
- a. That Defendant Ecklund Logistics acted maliciously toward Atinderpal Singh or in an intentional disregard of the rights of Atinderpal Singh in the hiring, training, monitoring and supervision of Freddie Galloway and through the acts and/or omissions of its agents and employees, including Freddie Galloway.

Defendant's Defenses:

- 5). Whether Plaintiff's claims are barred by the statute of limitations.
- 6). Whether the proximate cause of the accident was the negligence of Plaintiffs' Decedent, which negligence is imputed, in the following particulars:
 - a) In failing to yield the right-of-way;
 - b) In traveling at a speed which was unsafe for conditions then and there existing;
 - c) In failing to keep a proper lookout;
 - d) In failing to keep his vehicle under proper control;
 - e) In failing to exercise reasonable care for his own safety; and
 - f) In failing to slow for emergency conditions and emergency vehicles which were plainly visible.
- 7) Whether Count II of Plaintiffs' Complaint fails to state a cause of action as to Defendant.

- 8) Whether Count IV of Plaintiffs' Complaint fails to state a cause of action as to Defendant.
- 9) Whether Plaintiffs' Decedent was not wearing a seatbelt and whether Nebraska's statutory seatbelt defense applies.

The contested issues of fact for decision by the jury are:

1. Whether Freddie Galloway was negligent in his failure to keep a proper lookout, becoming distracted while driving, performing an unsafe and unreasonably dangerous lane change, driving while overly fatigued, violating provisions of the Federal Motor Carrier Safety Act 49 C.F.R. § 395.8(e) and 395.3(b)(2), and/or otherwise acting without the reasonable care required of him under the circumstances.
2. Whether Defendant Ecklund Logistics, Inc. was negligent in hiring Galloway, in failing to properly train Galloway, in failing to properly monitor Galloway, and/or in violating Federal Motor Carrier Safety Regulations 49 C.F.R. §§ 390.13, 395.8(e), and/or 395.3(b)(2), and/or otherwise acting without the reasonable care required of it under the circumstances.
3. Whether the negligence of Defendant Ecklund Logistics, Inc. was a proximate cause of Atinderpal Singh's death and Plaintiffs' damages.
4. The value of the wrongful death damages to Inderjeet Basra as Personal Representative of the Estate of Atinderpal Singh.
5. The value of personal injury damages, including consequential losses, pecuniary losses, and pre-death pain and suffering, pursuant to Neb. Rev. Stat. § 25-1401 et seq. and funeral and burial expenses by and through Inderjeet Basra as Personal Representative for the Estate of Atinderpal Singh.
6. The value of loss of consortium damages to Plaintiffs Inderjeet Basra, individually, and Dilshaan S. Rehal, individually, by and through his next friend Inderjeet Basra.
7. Whether Defendant acted maliciously, outrageously, and/or in a manner that demonstrated an intentional and wanton disregard of the personal rights of Decedent Atinderpal Singh and Plaintiffs by knowing and allowing violations of the Federal Motor Carrier Safety Regulations, knowing and allowing numerous violations of traffic violations, and by knowing and allowing Galloway to drive while distracted, fatigued, and in excess of federal hours of service regulations.
8. The amount of actual and punitive damages, if any, to be awarded to the Plaintiffs.
9. Whether Plaintiff's decedent was negligent and was the sole cause or a 50% cause of the accident, thus barring recovery.

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4/12/17

The contested issues of law remaining for decision by the Court are:

1. Whether the law of the State of Wisconsin applies to Plaintiffs' claims for punitive damages as against Defendant Ecklund Logistics, Inc.
2. Whether Plaintiffs are entitled to prejudgment interest on any judgment entered in this matter pursuant to Neb. Rev. St. § 45-103.02
3. All Matters raised in the parties' respective Motions in Limine;
4. All Matters raised in Defendant's Motion for Summary Judgment;
5. Whether Plaintiffs' claims are barred by the statute of limitations.
6. Whether the proximate cause of the accident was the negligence of Plaintiffs' Decedent, which negligence is imputed, in the following particulars:
 - a) In failing to yield the right-of-way;
 - b) In traveling at a speed which was unsafe for conditions then and there existing;
 - c) In failing to keep a proper lookout;
 - d) In failing to keep his vehicle under proper control;
 - e) In failing to exercise reasonable care for his own safety; and
 - f) In failing to slow for emergency conditions and emergency vehicles which were plainly visible.
7. Whether Count II of Plaintiffs' Complaint fails to state a cause of action as to Defendant.
8. Whether Count IV of Plaintiffs' Complaint fails to state a cause of action as to Defendant.
9. Whether Plaintiffs' Decedent was not wearing a seatbelt and invokes Nebraska's seatbelt defense statute.

Plaintiff also believes that whether Plaintiffs are entitled to a jury instruction of a negative inference based on Defendant Ecklund Logistics, Inc.'s spoliation of evidence in this case is an additional contested issue of law remaining for decision by the Court; Defendant disagrees citing the Court's Order dated 3/31/17 (Dkt. No. 94).

Unresolved Matters Requiring the Court's Attention:

1. Pursuant to NeCivR 30.1 (e) and (f), as many of the below-identified witnesses will be

played for the jury through the use of video depositions, Plaintiffs propose the following schedule regarding the offering of any such videotaped depositions at the time of trial:

- a. Any party proposing to offer all or any portion of a deposition shall notify opposing counsel at least 14 days before trial of the offers to be made (*unless the necessity for using the deposition develops unavoidably thereafter*).
 - b. If an objection is to be made, or if additional portions of a deposition are to be requested, opposing counsel will notify offering counsel at least 10 days before trial of such objections or requests.
 - c. If any differences cannot be resolved, the Court must be notified in writing of such differences at least 7 days before trial. Any party seeking to exclude such testimony must provide a transcript of such testimony sought to be excluded and the legal basis for exclusion thereof.
 - d. Upon the Court's ruling of any such objections filed by any party, the party offering such testimony shall deliver a copy of the edited video testimony to all parties within 1 day of the Court's ruling. The parties to follow all remaining rules prescribed by NeCivR. 32.1(c).
2. All Matters raised in the parties respective Motions in Limine;
 3. All Matters raised in Defendant's Motion for Summary Judgment;
 4. Start date of trial, length of trial, and allotment of time.

(D) Witnesses. All witnesses, including rebuttal witnesses, expected to be called to testify by plaintiff, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

Plaintiffs will call the following:

1. **Inderjeet Basra**, 1941 Louis Ct., Yuba City, CA 95993
2. **Freddie Galloway**, 812 W. Galena St. #6, Milwaukee, WI 53205
3. **Corporate Representative of Ecklund Logistics, Inc.**, c/o Dan H. Ketcham, Esq., Engles, Ketcham, Olson & Keith, P.C., 1350 Woodmen Tower, Omaha, NE 68102
4. **Dale Bennett**, c/o Brian O'Hara, Esq., LAW OFFICES OF DENNIS P. ISAAC, 121 Spear St., Suite 410
5. **Mark Coleman**, 2615 Blake Ave. NW, Apt. 11, Canton, OH 44718
6. **Bryan Wroblewski**, Nebraska State Patrol, Carrier Enforcement Division, 1600 Highway 2, Lincoln, NE 68502
7. **Bruce Winn**, York County Sheriff Department, 510 N. Lincoln Ave., York, NE 68467
8. **Kirk Ecklund**, c/o Dan H. Ketcham, Esq., Engles, Ketcham, Olson & Keith, P.C., 1350 Woodmen Tower, Omaha, NE 68102

9. **Lana Ecklund**, c/o Dan H. Ketcham, Esq., Engles, Ketcham, Olson & Keith, P.C., 1350 Woodmen Tower, Omaha, NE 68102
10. **Dean Briesemeister**, 209 N. 5th St., Winneconne, WI 54986
11. **Rob Paffenroth**, c/o Dan H. Ketcham, Esq., Engles, Ketcham, Olson & Keith, P.C., 1350 Woodmen Tower, Omaha, NE 68102

Plaintiffs may call the following:

1. **Cathy Coleman**, 2615 Blake Ave. NW, Apt. 11, Canton, OH 44718
2. **Dale Radcliff**, York County Sheriff Department, 510 N. Lincoln Ave., York, NE 68467
3. **Josh Gillespie**, York County Sheriff Department, 510 N. Lincoln Ave., York, NE 68467
4. **Paul Vrbka**, York County Sheriff Department, 510 N. Lincoln Ave., York, NE 68467
5. **John Kulogo**, 2539 Oak Ridge Rd., Neenah, WI 54956

Plaintiffs may also call the following for foundation purposes only:

1. **Corporate Representative and Custodian of Business Records
York County Sheriff Department (F)**
510 N. Lincoln Ave.
York, NE 68467
Telephone: (402) 362-4927
2. **Corporate Representative and Custodian of Business Records
Nebraska State Patrol (F)**
1600 Highway 2
Lincoln, NE 68502
Telephone: (308) 991-3438
3. **Corporate Representative and Custodian of Business Records
York County Attorney's Office (F)**
510 Lincoln Ave.
York, NE 68467
Telephone: (402) 362-5583
4. **Corporate Representative and Custodian of Business Records
State of Nebraska
Department of Health and Human Services (F)**
301 Centennial Mall South
Lincoln, NE 68509
Telephone: (402) 471-3121
5. **Corporate Representative and Custodian of Business Records
Nebraska Department of Roads (F)**

PO Box 94612
Lincoln, NE 68509-4612
Telephone: (402) 471-2515

6. **Corporate Representative and Custodian of Business Records**
York County Fire Department (F)
815 N. Grant Ave.
York, NE 68467
Telephone: (402) 363-2610

All witnesses expected to be called to testify by defendant, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

1. Freddie Galloway, former truck driver with Defendant.
2. Lana Ecklund, Operations, oversees day-to-day operations of the business entity, see her deposition for her current address and phone number.
3. Kirk Ecklund, President of Ecklund Logistics, see his deposition for his current address and phone number.
4. Rob Paffenroth, Safety Director, Ecklund Corporate office, see his deposition for his current address and phone number.
5. Dean Briesemeister, former safety director, see his deposition for his current address and phone number.
6. John Kulogo, former Ecklund dispatcher, see his deposition for his current address and phone number.
7. York County Sheriff's Deputy Bruce Winn, see his deposition for his current address and phone number.
8. Bryan Wroblewski, Trooper with the Nebraska State Patrol, see his deposition for his current address and phone number.
9. Dale Bennett, witness, see his deposition for his current address and phone number.
10. York County Sheriff, Dale Radcliff, see Plaintiffs' Answers to Interrogatories and his deposition for his current address and phone number.
11. Mark Coleman, witness, see his deposition for his current address and phone number.
12. Cathy Coleman, witness, see her deposition for her current address and phone number.

13. Defendant's expert witness, Steve Sokol.
14. Steve Irwin, Plaintiffs' expert witness.
15. Any witness identified by Plaintiffs above.

It is understood that, except upon a showing of good cause, no witness whose name and address does not appear herein shall be permitted to testify over objection for any purpose except impeachment. A witness whose only testimony is intended to establish foundation for an exhibit for which foundation has not been waived shall not be permitted to testify for any other purpose, over objection, unless such witness has been disclosed pursuant to Federal Rule of Civil Procedure 26(a)(3). A witness appearing on any party's witness list may be called by any other party.

(E) Expert Witnesses' Qualifications. Experts to be called by plaintiff and their qualifications are:

1. Lew Grill – See curriculum vitae attached as **Exhibit C**.
2. Steve Irwin – See curriculum vitae attached as **Exhibit D**.
3. David Rosenbaum – See curriculum vitae attached as **Exhibit E**.

Experts to be called by Defendant and their qualifications are:

1. Steve Sokol- See curriculum vitae attached as **Exhibit F**.
2. Steve Irwin, Plaintiff's expert, see **Exhibit D**.

(F) Voir Dire. Counsel have reviewed Federal Rule of Civil Procedure 47(a) and NECivR 47.2(a) and suggest the following with regard to the conduct of juror examination:

The Court and attorneys from both sides will conduct voir dire pursuant to Federal Rule Civil Procedure 47(a) and NECivR 47.2(a). The time limit for this voir dire is to be determined by the Court. Plaintiffs suggest 60 minutes for each side.

(G) Number of Jurors. Counsel have reviewed Federal Rule of Civil Procedure 48 and NECivR 48.1 suggest that this matter be tried to a jury composed of 12 members.

(H) Verdict. The parties will not stipulate to a less-than-unanimous verdict.

(I) Briefs, Instructions, and Proposed Findings. Counsel have reviewed NECivR 39.2(a), 51.1(a), and 52.1, and suggest the following schedule for filing trial briefs, proposed jury instructions, and proposed findings of fact, as applicable:

1. Trial briefs to be filed at least 7 days before trial.
2. Proposed jury instructions to be filed at least 7 days before trial, objections to jury instructions to be filed at least 3 days before trial.

(J) Length of Trial. Counsel estimate the length of trial will consume not less than 3 day(s), not more than 10 day(s), and probably about 6 days.

(K) Trial Date. Trial is set for May 16, 2017.

Dated: April 17, 2017

Respectfully submitted,

/s/ Justin R. Kaufman
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(402) 348-0900

Attorneys for Defendant

BY THE COURT:


United States Magistrate Judge

4/17/17

EXHIBIT A

Basra et al. v. Ecklund Logistics, Inc.
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PLJ EX
LIST

Exhibit	Deposition	Description	Bates	TD Number	OF	OBJ	RCVD	NOT RCVD
1	Bennett Ex 3; Coleman, M	Family Photos	BASRA_00010-	TD000010-000023			✓	
2	Briesemeister	Driver Vehicle	Driver	TD000980-		Rel.		
3	Ecklund, K Ex	Driver Vehicle	Driver	TD000978-		Rel.		
4	Galloway Ex 7; Wroblewski	Galloway driver logs from 8/1/12-8/8/12.	Nebraska State	TD000106-108; 105;		Rel.		
5	Kulogo Ex 2; Wroblewski,	Neenah Paper Bill of Lading dated 8/3/12.		TD001049		Rel.		
6	Kulogo Ex 3; Ecklund, L Ex	Anheuser Busch Bill of Lading		TD000400-000403		Rel.		
7	Bennett Ex 7; Galloway Ex	Nebraska State Patrol file including Post-	Nebraska State	TD0000130-000158			✓	
8	Winn Ex 3;	NE Crime Commission - Easy Street Draw - color	137	TD002112		H, F		
9	Bennett Ex 10; Coleman, M	York News Times article with color photos	YORK NEWS-	TD000296-000392		H, F		
10	Ecklund, K Ex	Ecklund Logistics, Inc.	000238-	TD001488-		Rel.		
11	Bennett Ex 6;	Scene diagram drawn by	38	TD002441		H, F		
12		York County Attorney	York	TD002531-		H, F		
13		Photos of scene		TD000422-			✓	
14		Photos Part 1 - produced		TD000734-			✓	
14		Photos Part 2 - produced		TD000840-			✓	
15	Bennett Ex 1;	Google maps - aerial	BASRA_00	TD000001-			✓	
15	Bennett Ex 2; Galloway Ex	Google maps - images approaching Exit 348,	Google Maps_Acci	TD000418-000420			✓	
16		Video 00001 - Video		TD000408			✓	
17		Video 00002 - Video		TD000409			✓	

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Plaintiffs' First Name							
18		Video 00004 - Video		TD000411		✓	
19		Video post crash [36 sec		TD000412		✓	
20		Video post crash [28 sec		TD000413		✓	
21		Video post crash [38 sec		TD000414		✓	
22		Video post crash [12 sec		TD000415		✓	
23		Video -		TD000417		✓	
24		Video Drivethrough of		TD000421		✓	
25	Ecklund, K Ex	2010 Tax Return -	000149-	TD002442-	Rel.		
26	Ecklund, K Ex	2011 Tax Return -	000160-	TD002453-	Rel.		
27	Ecklund, K Ex	2012 Tax Return -	000174-	TD002467-	Rel.		
28	Ecklund, K Ex	2013 Tax Return -	000188-	TD002481-	Rel.		
29	Ecklund, K Ex	2014 Tax Return -	000206-	TD002499-	Rel.		
30	Ecklund, K Ex	Ecklund Logistics, Inc.	000222-	TD002515-	Rel.		
31	Ecklund, K Ex	Ecklund Logistics, Inc.	000226-	TD002519-	Rel.		
32	Ecklund, K Ex	Ecklund Logistics, Inc.	000230-	TD002523-	Rel.		
33	Ecklund, K Ex	Ecklund Logistics, Inc.	000234-	TD002527-	Rel.		
34		Select portions of Lew			H, F		
35		Select portions of Steve			H, F		
36		Select portions of David			H, F		
37		Declaration of Inderjeet			H, F		
38		Demonstratives			H, F		
39		Training Video - Hours			Rel.		
40		Tax Returns for 2010,	BASRA_00	TD000024-	Rel.		
41	Bennett Ex 4;	Post accident photos	BASRA_00	TD000081-		✓	
42	Ecklund, L Ex	Truck Title produced by		TD000404		✓	
43	Ecklund, L Ex	TOTALIFT, 2010 IFTA		TD000405	R		
44		Audio Interview of Dale		TD000406		✓	
45		Audio Interview of Freddie Galloway by an		TD000407		✓	

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Plaintiffs' First Amended Exhibit List

46		Video - Crash_019 [1:11		TD000416		✓	
47	Ecklund, K Ex	Ecklund Logistics	Ecklund	TD000570-	Rel		
48	Galloway Ex	Freddie Galloway		TD000576	H, F,		
49		Ecklund truck Repair Invoice and Super 8		TD000969-000971	Rel		
50	Ecklund, K Ex 10;	FAAR Consulting Vehicle Inspection		TD000972-000977		✓	
51		Fax from Ecklund (Briesemeister) to		TD000096; 000099;		✓	
52	Ecklund, K Ex 3; Briesemeister	SAFER list of trucking violations from November 2014 through	Safety Measurement System	TD001039-001044	Rel		
53	Ecklund, K Ex 4;	SMS Crash Report for wreck dated 5/17/15 in Richmond, Kentuck	Safety Measurement System	TD001045	Rel, H, F		
54	Ecklund, K Ex 5;	SMS Carrier Registration Info for	Safety Measurement	TD001046-001047	Rel, H, F		
55	Ecklund, K Ex 6;	FMCSA EMIS Data Snapshot reflecting	FMCSA Table	TD001048	Rel, H, F		
56	Ecklund, K Ex 9; Winn, Bruce Ex 6 (page 177, 223-	Selected pages from the NSP file of the accident indicating correspondence between		TD001050-001058	Rel, H, F		
57		WI CDL (AUG 2012)	Wisconsin	TD001059-	Rel		
58		WI CDL (MAR 2012)	Wisconsin	TD001175-	Rel		
59		WI CDL (JAN 2008)	Wisconsin	TD001291-	Rel		
60	Ecklund, K Ex 12;	Ecklund corporate documents - articles,	97-000148	TD001399-001450	Rel		

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61	Ecklund, K Ex 23;	Federal Motor Carrier Safety Regulations	000562-000861	TD001812-002111	Rel		
62	Winn Ex 6;	Contents of NSP file	140-280;	TD002113-	Rel,		
63		Worker's Compensation Release signed by	BASRA_000085-	TD000085-000087	Rel, H, F		
64	Bennett Ex 5; Galloway Ex	State of Nebraska Investigator's Motor	Nebraska Depart of	TD000088-000094		✓	
65		York Fire Department	YORK	TD000288-		✓	
66	Ecklund, L Ex 6;	State of Nebraska Investigator's Motor Vehicle Accident Report		TD000393-000399		✓	
67		Video 00003 - Second video of a bud light beer can in the roadway, one		TD000410		✓	
68	Bennett Ex 11;	Dale Bennett Interview		TD000575	H, F,		
69	Galloway Ex	Wisconsin Commercial	Wisconsin	TD000577-	Rel,		
70	Bennett Ex 2;	Google maps - ALSO		TD000418-		✓	
71		Freddie Galloway		TD000733	H, F,		
72	Ecklund, K Ex	ECM Download		TD000982-		✓	
73		Ecklund's Second Supplemental Responses		TD001451-001477	Rel		
74		Ecklund's Second Supplemental Responses		TD001478-001487	Rel		
75	Ecklund, K Ex 22;	Blank forms given to Ecklund drivers - TRANSFLO Express Tripsheet, Overage-		TD001533-001536	Rel		
76	Ecklund, K Ex	Fall 2016 Cat Scale		TD001537-	Rel		
77	Ecklund, K Ex	Pilot Flying Location		TD001549-	Rel		

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78	Ecklund, K Ex	2012 Emergency		TD001614-	Rel		
79	Ecklund, L Ex	Ecklund 2006 repair	64-87	TD002254-	Rel		
80	Ecklund, L Ex	Ecklund 2007 repair	88-118	TD002278-	Rel		
81	Ecklund, L Ex	Ecklund 2008 repair	119-165	TD002309-	Rel		
82	Ecklund, L Ex	Ecklund 2009 repair	166-207	TD002356-	Rel		
83	Ecklund, L Ex	Ecklund 2012 repair	208-250	TD002398-	Rel		
84	Galloway Ex	News Article only (no	REMOVE	TD000294-			
85		Training Video - 115			Rel		
86		Training Video - At the			Rel		
87		Training Video -			Rel		
88		Training Video - Pre-			Rel		
89		Training Video -			Rel		
	Galloway Ex	Paystub from Nurturing	1		Rel		
	Wroblewski	49 CFR §395.8	65-72		Rel,		
	Wroblewski	Fax from Briesemeister	83-91;				
	Ex 4;	to Wroblewski dated	York				
	Wroblewski	NSP CMV Post Crash	92-100		H, F,		
	Wroblewski	Docs taken by NSP	101-113		H, F,		
	Wroblewski	Messages from NSP	114-119		H, F,		
	Wroblewski	Wroblewski's Certificate	120				
	Ex 8;	of Training (Post CMV					
	Coleman, M	Mark Coleman	4-Jan				
	Coleman, M	3/14/13 email fr M	121-123		H, F,		
	Ex 7;	Coleman to			Rel,		

Handwritten signature/initials

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	Coleman, M Ex 8;	3/14/13 email fr M Coleman to	124		H, F, Rel,		
	Ecklund, L Ex 1;	Plaintiff's Notice of Deposition of Defendant Ecklund Logistic, Inc.'s Person Most	1-4		Rel, H, F		
	Ecklund, L Ex	Complaint for Damages	5-12		Rel,		
	Ecklund, L Ex 3;	Summons and First Amended Complaint for WD; Strict Product	13-24		Rel, H, F		
	Ecklund, L Ex	Answer to Complaint	25-28		Rel,		
	Ecklund, L Ex 5;	Responses to Plaintiffs' First Request for	29-50		Rel		

EXHIBIT B

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

INDERJEET BASRA, individually and as
Personal Representative for the ESTATE OF
ATINDERPAL SINGH; DILSHAAN S.
REHAL, by and through his next friend,
INDERJEET BASRA,

Plaintiffs,

v.

ECKLUND LOGISTICS, INC.

Defendant.

)
) CIVIL ACTION
)
) Case No.: 8:16-cv-00083-LSC-FG3
)
) **DEFENDANT'S EXHIBIT LIST**
)
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) **TRIAL DATE: MAY 16, 2017**
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DEF NO.	DESCRIPTION	OFF	OBJ	RCVD	NOT RCVD	DATE
300	Deposition of Kirk Ecklund		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
301	Video deposition of Kirk Ecklund		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
302	Deposition of Lana Ecklund		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			

303	Video deposition of Lana Ecklund		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
304	Deposition of Dean Briesemeister		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
305	Video deposition of Dean Briesemeister		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
306	Deposition of Freddie Galloway		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
307	Video deposition of Freddie Galloway		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
308	Deposition of Rob Paffenroth		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			

309	Video deposition of Rob Paffenroth		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
310	Deposition of Bruce Winn		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
311	Video deposition of Bruce Winn		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
312	Deposition of Dale Bennett		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
313	Video deposition of Dale Bennett		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
314	Deposition of Mark Coleman		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			

315	Video deposition of Mark Coleman		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
316	Deposition of Cathy Coleman		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
317	Video deposition of Cathy Coleman		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
318	Deposition of John Kulogo		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
319	Video deposition of John Kulogo		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
320	Deposition of Bryan Wroblewski		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			

321	Video deposition of Bryan Wroblewski		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
322	Deposition of Dale Radcliff		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
323	Video deposition of Dale Radcliff		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
324	Deposition of Ted Sokol		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			
325	Video deposition of Ted Sokol		Plaintiffs object to the use of deposition transcripts and videos until the court requires the parties to meet and confer on deposition offers and ultimately rules on any objections asserted during that process			

326	Report of Ted Sokol		Plaintiffs object on the grounds that Defendant did not produce a report by Ted Sokol or a CV of Ted Sokol. Assuming these exhibits refer to the report, file, and CV of Steve Sokol, Plaintiffs reserve all objections until after Plaintiffs have the opportunity to depose Steve Sokol and examine him regarding these exhibits.			
327	Ted Sokol's file on the incident		Plaintiffs object on the grounds that Defendant did not produce a report by Ted Sokol or a CV of Ted Sokol. Assuming these exhibits refer to the report, file, and CV of Steve Sokol, Plaintiffs reserve all objections until after Plaintiffs have the opportunity to depose Steve Sokol and examine him regarding these exhibits.			
328	Ted Sokol's curriculum vitae		Plaintiffs object on the grounds that Defendant did not produce a report by Ted Sokol or a CV of Ted Sokol. Assuming these exhibits refer to the report, file, and CV of Steve Sokol, Plaintiffs reserve all objections until after Plaintiffs have the opportunity to depose Steve Sokol and examine him regarding these exhibits.			
329	The entire file of the Nebraska State Patrol relating to this accident on August 8, 2015 and received a copy of the entire file of the Nebraska State Patrol including, but not limited to:		See Plaintiffs' Motion in Limine No. 1			
330	Fax from Dean Briesemeister to Nebraska State Patrol with Verification of Employment dates of Freddie Galloway (Nebraska State Patrol. File, page TD000096)			✓		
331	Ecklund's most recent repairs and work orders on their truck in question (Nebraska State Patrol, pages TD000097-98,			✓		

	TD000114, TD000116)					
332	Freddie Galloway's current DOT Medical Examiner's Certificate Nebraska State Patrol File, page TD000099)			✓		
333	Copies of the most recent inspection of the trailer and tractor from before the accident (Nebraska State Patrol, page TD000115)			✓		
334	Copies of the detailed Motor Vehicle Accident Report and investigation (Nebraska State Patrol, pages TD000117-124)		See Plaintiffs Motion in Limine No. 1			
335	Copies of the detailed post-accident vehicle inspection of the Ecklund vehicle performed by the Nebraska State Patrol (Nebraska State Patrol, pages TD000125-127)			✓		
336	Copies of dozens of photographs of the vehicles, area and accident scene on disk (pages TD000129-158, pictures omitted)		Plaintiffs reserve objections pending identification by Defendant of which photos are "omitted" as referred to in Defendant's Exhibit List			
337	York County Sheriff's Office entire 129 page file on the accident in question		See Plaintiffs Motion in Limine No. 1			
338	The Investigator's Motor Vehicle Accident Report from the York County Sheriff's Office		See Plaintiffs Motion in Limine No. 1			
339	York County Sheriff's Office's post-accident measurements for an accident reconstruction (York County Sheriff's Office file, page 000008)		Objection to the use of this page as it is a black and white copy; Plaintiffs have no objection to the use of the color version of this document identified on Plaintiffs' Exhibit List as the last page of Plaintiffs' Exhibit 8			
340	York County Sheriff's Office's narrative reports (York County Sheriff's Office's file, pages 000009, 000013-16)		See Plaintiffs Motion in Limine No. 1			

341	York County Sheriff's Office's accident reconstruction measurements and notes with corresponding photographs (York County Sheriff's Office's file, page 00002027)			✓		
342	York County Sheriff's Office's on-scene photographs (York County Sheriff's Office's file, pages 000062-128, pictures omitted)		Plaintiffs reserve objections pending identification by Defendant of which photos are "omitted" as referred to in Defendant's Exhibit List			
343	On the scene audio recordings from the Nebraska State Patrol or York County Sheriff's office of interviews of Freddie Galloway and witness Mark Coleman		Objection the use of audio recordings of Mark Coleman as Plaintiffs are unaware that such audio existed or was produced in this case.			
344	GPS data of the Ecklund vehicle taken by Defendant's accident reconstruction expert, Ted Sokol, along with his entire file			✓		
345	Photographs obtained by Plaintiff's counsel from the York New Times newspaper			✓		
346	File of the York Fire Department			✓		
347	Wisconsin Certificate of Title for the truck in question			✓		
348	Maintenance documents for the truck in question (number 715) for 2006			✓		
349	Maintenance documents for the truck in question (number 715) 2007			✓		
350	Maintenance documents for the truck in question (number 715) 2009			✓		
351	Maintenance documents for the truck in question (number 715) 2012			✓		
352	Subpoenaed phone records of Plaintiffs' decedent		Plaintiffs reserve objection until such documents are obtained and/or produced			
353	Defendant reserves the right to offer any exhibits listed by Plaintiffs					